

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2011-017

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING AN AMENDMENT TO THE TOWN OF LOXAHATCHEE GROVES ADOPTED COMPREHENSIVE PLAN IN ACCORDANCE WITH CHAPTER 163, FLORIDA STATUTES, CONCERNING A LARGE-SCALE LAND USE PLAN AMENDMENT APPLICATION PROPOSED BY THE OWNERS OF THE PROPERTY, SOLAR SPORTSYSTEMS, INC. AND LOXAHATCHEE EQUESTRIAN PARTNERS, LLC TO CHANGE THE DESIGNATION OF THE SUBJECT USE OF LAND FROM RURAL RESIDENTIAL (1 DU PER 5 ACRES) IN THE TOWN'S ADOPTED PLAN, TO MULTIPLE LAND USE (MLU) FOR THE PURPOSE OF INCORPORATING COMMERCIAL LOW, COMMERCIAL LOW-OFFICE, AND INSTITUTIONAL LAND USES WITHIN A UNIFIED DEVELOPMENT CONCEPT FOR FUTURE DEVELOPMENT OF PROPERTY ON 90.34 ACRES LOCATED AT THE NORTHEAST CORNER OF SOUTHERN BOULEVARD AND "B" ROAD, LOXAHATCHEE GROVES, FLORIDA (AMENDMENT 11-1.3B); PROVIDING FOR AMENDMENT TO THE COMPREHENSIVE PLAN TO REFLECT SUCH CHANGES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, provisions of the Local Government Comprehensive Planning and Land Development Regulation Act of 1985 require adoption of a comprehensive plan; and,

WHEREAS, the Town of Loxahatchee Groves, Florida, pursuant to the Local Government Comprehensive Planning Act, and in accordance with all of its terms and provisions, has prepared and adopted a Comprehensive Plan which has been submitted to, and found to be "in compliance" by the State Department of Community Affairs (DCA); and,

WHEREAS, as a result of a pending administrative challenge to the Town's adopted comprehensive plan, the Town Council adopted Ordinance 2011-005 to amend the then-effective comprehensive plan, which was the Palm Beach County Comprehensive Plan, to amend the land

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use of the Property described herein; and,

WHEREAS, on July 28, 2011, the DCA issued its Final Order in the administrative challenge, ordering that the Town's adopted plan be "in compliance," and the Town's adopted Comprehensive Plan became effective on August 19, 2011; and,

WHEREAS, the DCA has advised that due to the Town's adopted Comprehensive Plan coming into effect and the conclusion of the administrative challenge, the Town should proceed to adopt an ordinance to rescind Ordinance 2011-005 (to be considered by the Town Council as Ordinance 2011-016), as the amendment to the Palm Beach County Comprehensive Plan as it applied to the Town had not come into effect and needs not to do so, and a separate ordinance should be adopted to amend the Town's adopted Comprehensive Plan to include amendments approved as to the previously effective Town Comprehensive Plan; and,

WHEREAS, upon adoption of an ordinance rescinding Ordinance 2011-005 and the adoption of this Ordinance to amend the Town's adopted Comprehensive Plan relating to the Applicant's property, the DCA will review the amendment to the Town's adopted Comprehensive Plan; and,

WHEREAS, the Town's Planning Consultant recommends approval of the Land Use Amendment Application, from the Rural Residential 5 Land Use Category to the Multiple Land Use Category, which would incorporate land uses, for Commercial Low, Commercial Low-Office and Institutional within a Unified Development Plan, as set forth in a report to the Town Council, setting forth recommendations and conditions, which report is incorporated herein; and,

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WHEREAS, the Town Council of the Town of Loxahatchee Groves has conducted the required public hearing on this Amendment to the Town of Loxahatchee Groves Comprehensive Land Use Plan; and

WHEREAS, the reports, records, and materials from the public hearings to adopt Ordinance 2011-005 are incorporated herein and relied upon by the Town Council to the extent not inconsistent with the Ordinance; and,

WHEREAS, the Town Council of the Town of Loxahatchee Groves has deemed it to be in the best interest of the citizens and residents of the Town of Loxahatchee Groves to adopt an Amendment to the Adopted Comprehensive Plan in accordance with Chapter 163, Florida Statutes, concerning a Large-Scale Land Use Plan Amendment proposed by the property owners Solar Sportsystems, Inc. and Loxahatchee Equestrian Partners, LLC, represented by O'Dell, Inc., to change the designation of the subject use from Rural Residential (1 du/ 5 ac) in the Town's adopted Comprehensive Plan to Multiple Land Use Category, as recommended by the Town's Planning Consultant, to incorporate Commercial Low, Commercial Low-Office and Institutional Land uses within a Unified Development Plan to accommodate the future development on 90.34 acres of land, for the property located at the northeast corner of Southern Boulevard and "B" Road, south of Collecting Canal, Loxahatchee Groves, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA:

SECTION 1: The foregoing "WHEREAS" clauses are hereby ratified and confirmed as

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being true and correct and are hereby made a specific part of the Ordinance upon adoption hereof; all exhibits attached hereto or referenced herein are incorporated herein and made a specific part of this Ordinance.

SECTION 2: The Town Council has reviewed the application and finds the following:

1. The Amendment, as approved herein, is consistent with the goals, objectives and policies of the Town of Loxahatchee Groves Adopted Comprehensive Plan;
2. The characteristics of the surrounding area and the characteristics included in the proposed development are compatible;
3. The Town of Loxahatchee Groves has the ability or will have the ability to provide necessary services for the additional demand for public facilities.

SECTION 3: The Town Council approves and adopts the recommendations of the Town's Planning Consultant, which are incorporated herein.

SECTION 4: The Land Use Plan Amendment to the Adopted Comprehensive Plan of the Town of Loxahatchee Groves (Amendment No. 11-1.3B) approved by the Town Council, changing the land use from Rural Residential (1 du/ 5 ac) in the Town's adopted Comprehensive Plan to the Multiple Land Use Category, to include Commercial Low, Commercial Low-Office and Institutional, within a Unified Development Plan, is hereby adopted. This Amendment shall be construed as permitting a maximum of 103,000 sq. ft. of commercial retail, a maximum of 44,000 sq. ft. of commercial office for professional and medical uses, and a 128-bed congregate living facility on 90.34 acres of land, subject to the conditions of the Planning Consultant's

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Report, which is adopted and approved.

SECTION 5: The Town's Planning Consultant is further authorized and directed to make the necessary textual changes to the Future Land Use Element of and the Town's Adopted Comprehensive Plan, as well as the changes to the Future Land Use Map in the plan, in order to reflect the above-stated changes consistent with the recommendations of the Planning Consultant Report.

SECTION 6: All Ordinances or parts of Ordinances, and all Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 7: If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 8: This Ordinance shall become effective as provided by law.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS 6th DAY OF September, 2011.

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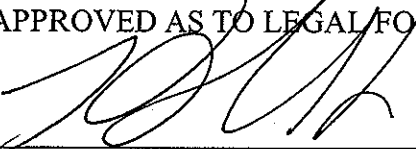
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**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN
LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS
20th DAY OF September, 2011.**

ATTEST:

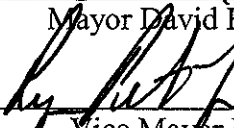

Ann Harper, Town Clerk

APPROVED AS TO LEGAL FORM:


Michael D. Cirullo, Jr., Town Attorney

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**


Mayor David Browning


Vice Mayor Ryan Liang


Tom Goltzené, Council Member


Ron Farriel, Council Member


Jim Rockett, Council Member

MDC:aw

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